

1893-006
Lee Co.

Chancery Causes: William M. Hobbs vs. Mary E. Hobbs &c

Bales

1 Flat

CA - Estate Dispute
T - Property

- Deed

1 To the Hon. H. S. K. Merison Judge of the Circuit
2 Court of Lee County Virginia:

3 Your Orator Wm. H. Hobbs a citizen of said County,
4 would respectfully represent, that he and his brother, one
5 Harry C. Hobbs, some years ago, purchased jointly of one
6 James Parthey, a tract of land containing 176 acres, lying
7 and being in said county of Lee on Spital Branch a stream of
8 Martins Creek about 14 or 15 miles West of the Court House, and
9 by deed dated the 4th day of October 1884, the original of
10 which is herewith filed marked (A) the said James Parthey con-
11 veyed said tract of land to your Orator and said H. C. Hobbs
12 jointly and while the matter thus stood, your Orator and said
13 H. C. Hobbs, mutually agreed between ^{them} _A as to how said tract
14 of land should be divided, so as to be equal in value, and each
15 one of them took possession of the particular parcel so falling
16 to each other by the terms of said line of partition, But your Orator
17 states that the said partition so agreed upon between the said
18 H. C. Hobbs and himself was never consummated, by the execution
19 of proper deeds of conveyance one to the other:

20 Your Orator states that in the month of Oct 1884 the said
21 H. C. Hobbs departed this life intestate in said County leaving a
22 widow - Rosandra Hobbs surviving him, and he also left three
23 children his heirs at law to wit Mary E. Hobbs, W. H. Hobbs and
24 H. M. Hobbs all of whom are infants under 21 years of age

25 Your Orator states that since the death of H. C. Hobbs, his widow
26 the said Rosandra, has entered into, and is now the wife
27 of H. C. Bales Your Orator states that at the death of said H. C. Hobbs
28 ^{the title to} his undivided half of said tract of land, descended and passed
29 to his said three children above named, subject to the dower right
30 of his widow, now the wife of said H. C. Bales then;

31 The premises considered Your Orator is advised that he
32 is entitled in a court of equity to have said tract of land

1 partitioned between said three infants and himself, and
2 to attain that end is the object of this bill:

3 The prayer of your Orator therefore is that the said Mary
4 E. Hobbs W. W. Hobbs H. M. Hobbs H. B. Bales and Gasunden Bales be
5 made defendants to this bill and be required to answer the same
6 on oath, that a guardian ad litem be appointed for said Mary E.
7 W. W. & H. M. Hobbs to defend their interest in this cause. And
8 upon a hearing thereof a decree be entered ordering a partition
9 of said land, and commissioners appointed to make such division
10 And if in any wise mistaken in this his Special prayer
11 then your Orator prays for all general relief. May the com-
12 monwealths writ of Habeas Corpus issue directed &c.

13 Henry J. Morgan for Pelf
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William N. Hobbs

vs. Bill for Partition

Mary E. Hobbs & Others:

1893 1st May Rules Bill filed
Spa accepted by adult Defts
" Ans. to A. L. filed for Defts
and Decree nisi
" 2nd May Rules D. nisi Conf
& Cause set for hearing by Jff.
" June Term Decree for
partition & Contd
" Nov. Term Decree
final D.B. 523-4

H.C. \$7.85
D.A.L. 5.00
M.C. 2.59
S. 1.50
A. 16.00
Cours. 10.00
Co.C. 1.68
\$43.62
chd page 91

Wm. N. Hobbs

Plffs

vs

Sub Chaney

Mary E. Hobbs et al Defts

To the Hon. W. S. K. Morrison
Judge of the Circuit Court for Lee
County:

The separate answer of
Mary E. Hobbs, W. W. Hobbs & H. M.
Hobbs Infants, and minor heirs of
Henry C. Hobbs decd, to a Bill in
Chancery filed in Your Honors
Court as styled above - against
these and other Defendants, by
J. A. S. Syatt their Guardian
ad litem, and for answer
these respondents know of no
reason why their interest in
said land should not be parti-
tioned to them & their Mother
Leassinda Bales nee Hobbs. Their
interest will doubtlessly be enhanced
by such partition, but should they
be in this mistake, they kindly
place their rights and interests in
Your Honors hands, where they are
certain they will be closely guard-
ed and protected. Respectfully

Mary E., W. W., & H. M. Hobbs

By J. A. S. Syatt Guardian ad litem

Wm N. Hobbs
Aus G. A. L

vs

Mary E. Hobbs et al
Filed 1st May Rules
1893. J. A. C. Hyatt

G. A. L fee 5.00

Wm N Hobbs

Plff

vs.

In Chy

Mary E Hobbs & others Defs

This cause came on this day to be finally heard and determined on the papers heretofore read therein, and the report ^{and exhibit therewith} of C. B. Ellsatt Wm H Speak and Thomas R. Corbalm the commissioners heretofore appointed in this cause to partition the lands in the bill mentioned dated Aug. 25 and filed in the cause Aug 28th 1893. And was argued by counsel, and the said report and plat being unaccepted to, on consideration of all which it is adjudged ordered and decreed that said report be and the same is hereby confirmed, and pursuant to said report it is adjudged ordered and decreed that the plaintiff Wm N. Hobbs. take and hold by title firm and stable, lot No. 1 as shown on said plat and according to the courses and distances as said down in said report. free from the claim of the other parties. And that Mary E Hobbs, W. W. Hobbs and H. M. Hobbs the infant defendants so take and hold free from the claim of the plaintiff W. N. Hobbs lot No. 2 as shown on said plat, and according to the courses and distances as set out in said report, but they are to take and hold said lot No. 2 subject to the claim of Casandier Sales Thessen, and the clerk of this will deliver to the

Wm N Hobbs

100 { Decem final for

Mary E Hobbs et al

Entered Ch OVB. p 523+24

Nov. 14th 1893.

Recorded Deed Book

Nov 29 Page 572

S. J. Richmond
Clerk

Entered this

Nov. 14 / 1893

H. S. K. M.

clerk of the county court for recordation, Copies
of the former decree in this cause, said commissions
refect and plot, and this decree, and it is
adjudged that the plaintiff ~~seem~~ against and
the heirs of Henry B. Hobbs did pay the costs of this
suit in equal proportions, and no further action
being necessary in the cause the parties are
since dismissed and the cause is struck from the
docket.

1 William N Hobbs.

Plff

2 vs

3 Mary E. Hobbs & others

Defts

Dr Chy

4 This cause came on this day to be heard on the bill of the Plff
5 & exhibit therewith taken for confessed by the defendants H. B. Bales and
6 Casandra Bales, and the answer of John H. Hyatt guardian ad litem
7 for the three infant defendants, and was argued by counsel, on consideration
8 of all which it appears to the court, that the Plaintiff is entitled
9 to have the tract of land in his bill mentioned partitioned between
10 himself and the three infant defendants. And to attain this end
11 it is adjudged ordered and decreed that Charles L. Elliott, Hon
12 St. Sprick & Thomas Rosenbaum be appointed commissioners for the purpose
13 who will go upon the tract of land in the bill mentioned, and will
14 take into consideration the quantity and quality of said land, the
15 conveniences and inconveniences connected therewith, and upon
16 this basis they will divide said tract of land into two equal parts
17 as near as possible in value, and one of these parcels so divided
18 they will assign and allot the Plff, and the other they will assign and
19 allot to Mary E. Hobbs, W. N. Hobbs & H. M. Hobbs to be held by them in equal
20 proportions, subject to the dower right of Casandra Bales therein for life
21 and said commissioners will report their action to the court
22 and the cause is continued

Wm N Hobbs

Sum No 1

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32

Mary E. Hobbs & others

Entered Chas O. B. 475

June 7th 1893

Ofyatt & Co.

Recorded Deed Book 15

to 29th Page 510

S. V. F. B. C. C.

Enter this

June 7 1893

H. L. C. C.

Virginia.

At a circuit court continued
and held for Lee County at the
Court house thereof June 6th 1893

Wm. N. Hobbs

Plff 3
3 Dubbey

vs
Mary E. Hobbs et al Deft 3

— It appears to
the Court, that the Plaintiff
is entitled to have the tract
of land in his bill mentioned
partitioned, between himself
and the three infant defend-
ants, and attain this
end, it is adjudged ordered
and decreed that Charles E.
Elliott, Wm. H. Speaks and
Thomas Rosenbloom be appo-
inted Commissioners for the
purpose, who will go upon
the tract of land in the
bill mentioned, and will
take into consideration, the
quantity and quality of said
land, the conveniences & inconveniences
connected therewith, and upon
this basis, they will divide
said tract of land into two
equal parts, as near as

to the P^{off}
and the
other they
will assign
and allot

possible in value, and one
of these parcels so divided
they will assign and allot
to Mary E. Hobbs, W. W. Hobbs,
and H. M. Hobbs, to be held by
them in equal proportion
Subject to the dower right
of Cassandra Bales therein for
life, and said Commissioners
will report their action to this
court and the cause is con-
tinued.

3 copies

A Copy
Teste J. A. G. Hyatt C

Mary N. Hobbs
Copy of
M. E. Hobbs
M. E. Hobbs
M. E. Hobbs et al

Executed by delivering
a true copy of the
will to M. E. Hobbs
W. W. Hobbs Thomas
Hobbs et al this July
15 - 1893

J. A. G. Hyatt
J. A. G. Hyatt
J. A. G. Hyatt

S. L. G.

~~Wm~~ V Hobbs Plff
V. S.
Mary E Hobbs et al Defs. } an chy.

To The Honorable H. D. K. Morrison
Judge of The Circuit Court of Lee Co Va
In pursuance of an Order, emanating from your
Honor's Court Dated June The 6th 1893. Directing
us The undersigned commissioners to go upon
the lands in the bill mentioned and lay off and
assign to The parties entitled to said lands
We your commissioners proceeded on the 16th day
of August 1893, to Survey lay off and assign to
those entitled thereto. We began at a Stake 8 feet
North of a White oak marked where shown, The original
corner of Tract and marked on Plat figure 1. and
Index, and running S 45 E 191 poles to a White oak
and Triple Chestnut (chestnut gone) on Montgomery
exp. line at figure 2. and with said line S 48 1/2 E
160 poles to a Stake, original corner gone, at figure
3. S 44 1/2 W 164 poles to a Stake, Original corner gone,
at figure 4. N 61 1/2 W 145 poles to the beginning
containing 178 acres. We then proceeded
to lay off and assign to The parties entitled to
said lands. We layed off and assigned to ~~Wm~~
V. Hobbs. Lot No 1. and is represented on The
Plat by figures and small letters as follows
Beginning at a Stake 8 feet North of a marked White oak

Original corner. at figure 1. and under. Thence with
the Original line $N 45^{\circ} E$ 75 poles to a Rock. at letter
h thence leaving said line $S 36^{\circ} E$ 62 poles to g. and Rock
 $N 51^{\circ} 4' E$ 26 poles to a Walnut at f. $S 28^{\circ} 4' E$ 34 poles to a
Stake in the Spring branch. at e. then up the branch
and with the same. $N 36^{\circ} E$ 7 poles to a Stake in the head
of the Spring at d. thence $S 14^{\circ} E$ $12\frac{1}{4}$ poles to a Walnut
at c. $S 51^{\circ} W$ $17\frac{1}{2}$ poles to a White oak at b. $S 36^{\circ} E$ 53 poles
to Rock in the South line of the Original Survey. at a.
thence with old line $S 44^{\circ} W$ 62 poles to a Stake figure
4. $N 51^{\circ} 4' W$ 165 poles to the beginning containing 58 acres.

We layed off, and assigned to Mary C. Hobbs
W. W. Hobbs and H. M. Hobbs. Lot No. 2 and is
designated by following figures, and letters. on the
Platt.

Beginning on a White oak and
Triple Chestnut (Chestnut gone) on Montgomery
line, at figure 2. on plat, and with said
line $N 41^{\circ} 3' E$ 160 poles to a Stake, original corner gone
at figure 3. $S 44^{\circ} W$ 106 poles to a Rock a corner of
Lot No. 1. at letter a. and with line of said lot
 $N 36^{\circ} W$ 58 poles to a White oak at b. $N 51^{\circ} E$ $17\frac{1}{2}$ poles
to a Walnut at c. $N 14^{\circ} 7' W$ $12\frac{1}{4}$ poles to the Spring
at d. thence down and with the Spring branch
 $S 36^{\circ} W$ 9 poles to a Stake in the branch. at e. thence
leaving the branch and crossing the Public Road
 $N 28^{\circ} 4' W$ 34 poles to a Walnut at f. $S 51^{\circ} W$ 26 poles
to a Rock at g. $N 36^{\circ} W$ 62 poles to a Rock in the North
line of the old Survey, and with $N 45^{\circ} E$ 93 poles

To the Beginning containing 90 acres.

We excluded one half acre in Lot No 2 which was formerly given, as we understand, for the purpose of a burying ground, and we considered the Widow Dover, in Lot No 2.

We file a Diagram herewith marked A, making it a part of our report.

All of which is respectfully Submitted

This the 25 day of August 1893.

G. C. Elliott }
Wm M. Speaks } Comrs
Thomas Rosenbalm }

Due,

G. C. Elliott S. Com: \$ 4.00

Wm M. Speaks Com: 2.00

Thomas Rosenbalm Com: 2.00
Amt, \$ 10.00

Wm. M. Hobbs
vs } Comrs Report of Partition
Mary E. Hobbs et als

Filed Aug 28th 1892

AB Munsey clk

Recorded Deed Book

No 29 Page 510

S. V. F. Richmond,

cc r.

Fees \$10.00

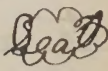
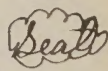
A



This deed made this October 4th 1884, between
James. Bartley and Sarah, his wife of the first
part and William V. Hobbs and Henry C. Hobbs
of the second part all of the State
Virginia, ^{the said James Bartley and Sarah his wife} witnesseth that for the considera-
-tion of the sum of Eighteen hundred Dollars
Twelve hundred Dollars paid: The remaining
Six hundred Dollars to be paid October 1st
1885 the receipt of which is hereby acknowl-
-ged do bargain and sell to the said William V.
and Henry C. Hobbs all their interest and claim
to a certain piece of land lying and being
in the County of Lee and State of Virginia upon
the waters of the Glade Branch adjoining
the lands of James A. Speak and others to wit
beginning at a White Oak forked dogwood
and Hickory. thence S. 41° W. 150 poles to a white
Oak. Hickory Sapling and Sourwood. N 55° W.
161 poles to a White Oak and Dogwood on
the North side of a Bridge. and along the
same N 42° E. 185 poles to a White Oak and

tripple Chestnut on Montgomery's line
and with the same S 44° E 147 poles to the
beginning. Containing by survey and plat
One hundred and seventy five and one half
Acres be the same more or less:

and the ^{said} James Bartley and Sarah his wife
doth covenant with the said William
and Henry, C. Hobbs to warrant and
defend the title to said land with all its
appertinances thereto belonging free from
the claim of themselves, their heirs, and
all persons whomsoever; witness the
following signatures and seals;

James Bartley 
Sarah ^{her} Bartley 
_{mark}

Virginia Lee County to wit:

I William H. Speak a Notary public for the
County aforesaid in the State of Virginia do certify that
James, Bartley whose name is signed to the foregoing deed
bearing date October 4th 1884 has acknowledged ~~the~~
the same before me in my County aforesaid:

I do further certify that Sarah, Bartley wife of
James, Bartley whose names are signed to the

Barandry

forgoing deed bearing date as aforesaid: personally appeared
before me in my County aforesaid, and being examined
by me privately and apart from her husband and
having the writing aforesaid fully explained to
her, she the said Sarah, Bartley acknowledged the
said writing to be her act, and declared that
she had willingly executed the same and does not
wish to retract it: Given under my hand
this October 4th 1884
William H. Speak Notary Public

Deed from

James Bartley and wife

to
William A. Hobbs and Henry
C. Hobbs

To Hobbs

Recorded in

Deeds Book

Vol. 25 p. 67.

J. R. Gibson

(A)

7. 186
6. 125
\$3.05

Virginia Lee County Court Clerk's office the 12th day of Feb 1887.

The foregoing deed bearing date Oct. 4th 1884 between James Bartley and Sarah his wife of the first part, and William A. Hobbs & Henry C. Hobbs of the second part, all of Lee County Virginia, was this day filed in this office and admitted to record upon the certificate of William H. Speak a Notary Public for Lee County Va.

Teste John R. Gibson Clerk

The Commonwealth of Virginia.

To The Sheriff of Lee County Greeting :

WE COMMAND YOU TO SUMMON.....

*H. C. Bates, Cassandra
Bates, Mary E. Hobbs, W. W. Hobbs and
H. M. Hobbs*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in *May*
.....next, being rule day to answer a bill in Chancery exhibited in our said Court against

them by *William N. Hobbs*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This.....*3rd*.....day of.....*April*.....18*93*.....in the 11*7* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste.....Clerk.

(H. J. M.)

Wm N. Hobbs

3 Spa row

no 3 Chancery

H. C. Bales et al

Lo 1st May Rules 1893.

We accept legal
service of this Sum-
mons, April 4th 1893.

X H C. Bales

X Cassandra Bales